

Appl. No. 10/713,321
Amtd. dated August 16, 2007
Reply to Office Action of May 16, 2007

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REMARKS/ARGUMENTS

Claims 1-27 are pending in the present application.

This Amendment is in response to the Office Action mailed on May 16, 2007. In the Office Action, the Examiner rejected claims 1-27 under 35 U.S.C. §112; claims 1-4, 7-13, 16-22, and 25-27 under 35 U.S.C. §102(e); and claims 5-6, 14-15, and 23-24 under 35 U.S.C. §103(a). Reconsideration in light of the remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 1-27 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully disagrees.

The Examiner states that the recitation "displaying on a display device a first graphic type indicative of a processor usage for each one of at least two processors in a multiprocessor system, the processor usage including at least one of processor assignment, processor availability, and clustering; and displaying on said display device a second graphic type indicative of an application assignment for each one of at least two application groups associated with each of said at least two processors" is vague and indefinite because it is not clear to what they refer (*Office Action*, page 2, paragraph number 1). The Examiner further contends that "it is not clear what is [sic] the distinction between the clustering indicator and the group indicator. It appears that both refer to the same thing." Applicant believes that the claim language is clear.

Claim 1 recites, among other things, a first graphic type indicative of a processor usage which may include a processor assignment, a processor availability, and clustering. "Clustering" here refers to processor clustering. In other words, the processor usage may include the manner in which processors are clustered. Claim 1 further recites, among other things, a second graphic type indicative of an application assignment. In other words, the first graphic type may indicate processor clustering while the second graphic type may indicate application assignment. "Processor clustering" is the clustering of the processors. The first graphic type may indicate the organization of the processors into clusters. For example, the clusters of the processors are demarcated by the heavy lines as shown in Figure 4A. In contrast, the second graphic type may display which application is assigned to which processor. A processor is different than an

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application, and "clustering" is different than "assignment". Therefore, the recitation for the first and second graphic types is clear and unambiguous. Paragraphs [0023] and [0024] and Figures 4A and 4b discuss the definitions of the two graphic types very clearly.

Furthermore, the claims do not recite "clustering indicator" and/or ""group indicator" as alleged by the Examiner.

Therefore, Applicant respectfully requests the rejection under 35 U.S.C. §112 be withdrawn.

Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-4, 7-13, 16-22, and 25-27 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,9043,793 issued to Bowser et al. ("Bowser"). Applicant respectfully traverses the rejection and submits that the Examiner has not met the burden of establishing a *prima facie* case of anticipation.

Bowser discloses a method and apparatus for displaying resource information. Network data processing system 100 contains a network 102, which is the medium used to provide communications links between various devices and computers connected together within network data processing system 100 (Bowser, col. 2, lines 22-26). Resource information within the network data system 100 may be displayed (Bowser, col. 4, lines 15-18). Window 500 provides a summary status view of information for a set of servers. In this example, user-defined groups for presentation are Web servers 502, database (DB) servers 504, Siebel servers 506, and WAS servers 508 within section 510 (Bowser, col. 5, lines 27-31; Figure 5A). Other types of grouping for section 510 may include, for example, storage libraries or client workstations (Bowser, col. 5, lines 39-40).

Bowser does not disclose, either expressly or inherently, at least one of: (1) displaying on a display device a first graphic type indicative of a processor usage for each one of at least two processors in a multiprocessor system; (2) the processor usage including at least one of processor assignment, processor availability, and clustering; and (3) displaying on said display device a second graphic type indicative of each one of at least two application groups associated with each of said at least two processors.

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First, Bowser merely discloses displaying resource information, not processor usage or application assignment. The resource information may include metrics for the servers such as operational level of a particular server, the capacity or amount of processing, TCP/IP parameters, low available memory, or high paging of data, etc. (Bowser, col. 4, lines 57-67). These do not include a processor usage or an application assignment.

Second, Bowser merely discloses displaying resource information of a network data processing system or a server from a group of servers, not a multiprocessor system. A network data processing system interconnects servers, clients, and storage via a communication network (Bowser, col. 2, lines 22-26). The network uses a TCP/IP suite of protocols to communicate with one another (Bowser, col. 2, lines 38-42). In contrast, a multiprocessor may include processors that use shared memory and typically are grouped into clusters.

Third, Bowser merely discloses displaying a state of normal, warning, and critical mode (Bowser, col. 5, lines 54-56), not a processor usage which includes at least one of processor assignment, processor availability, and clustering. Since the servers in Bowser are servers working separately and independently of each other in a network, they are not grouped into clusters as in a multiprocessor system. Furthermore, each server works independently. Therefore, there is no processor assignment.

Fourth, Bowser merely discloses displaying a state of a server, not application assignment. Each server services an application according to the type of server, such as Web servers 502, database (DB) servers 504, Siebel servers 506, and WAS servers 508 (Bowser, col. 5, lines 27-31; Figure 5A). Accordingly, there is no application assignment.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Since the Examiner failed to show that Bowser teaches or discloses at least one of the above elements, the rejection under 35 U.S.C. §102 is improper.

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Therefore, Applicant believes that independent claims 1, 10, and 19 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. §102(e) be withdrawn.

Rejection Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected claims 5-6, 14-15, and 23-24 under 35 U.S.C. §103(a) as being unpatentable over Bowser in view of U.S. Patent No. 5,819,028 issued to Manghirmalani et al. ("Manghirmalani").

Bowser is discussed above.

Manghirmalani discloses a method and apparatus for determining the health of a network. Health information can be portrayed in the forms of a dial meter, graph meter, or digital meter. The dial meter is similar to that of an analog speedometer or fuel gauge in a car (Manghirmalani, col. 8, lines 15-19).

Bowser and Manghirmalani, taken alone or in any combination, do not disclose, suggest, or render obvious, at least one of (1) displaying on a display device a first graphic type indicative of a processor usage for each one of at least two processors in a multiprocessor system; (2) the processor usage including at least one of processor assignment, processor availability, and clustering; (3) displaying on said display device a second graphic type indicative of each one of at least two application groups associated with each of said at least two processors; (4) a graphic indicator indicating a group of said at least two processors wherein said group is indicative of a processor clustering; (5) a graphic indicator of processor utilization associated with each of said at least two processors; and (6) a gauge having gauge bands reflecting ranges of processor utilization, as recited in claims 5-6, 14-15, and 23-24.

As discussed above, Bowser does not disclose elements (1) through (5). Accordingly, a combination of Bowser with any other references in rejecting claims 5-6, 14-15, and 23-24 is improper.

Furthermore, Manghirmalani merely discloses using a dial meter to display health information of a network, not a processor utilization. The health information indicates whether the network is in repair and/or upgrade or in good health. It does not show the processor utilization. Moreover, Manghirmalani does not disclose or render obvious at least two

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processors in multiprocessor systems. Manghirmalani only discloses a network. A network may be connected to multiple processors but it does not operate in the context of a multiprocessor system.

The Examiner failed to establish the factual inquires in the three-pronged test as required by the *Graham* factual inquires. There are significant differences between the cited references and the claimed invention as discussed above. Furthermore, the Examiner has not made an explicit analysis on the apparent reason to combine the known elements in the fashion in the claimed invention. Accordingly, there is no apparent reason to combine the teachings of Bowser and Manghirmalani.

In the present invention, the cited references do not expressly or implicitly disclose any of the above elements. In addition, the Examiner failed to present a convincing line of reasoning as to why a combination of Bowser and Manghirmalani is an obvious application of displaying processor usage in a multiprocessor system, or an explicit analysis on the apparent reason to combine Bowser and Manghirmalani in the manner as claimed.

Therefore, Applicant believes that independent claims 1, 10, and 19 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. §103(a) be withdrawn.

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Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

UNISYS CORPORATION



Dated: August 16, 2007

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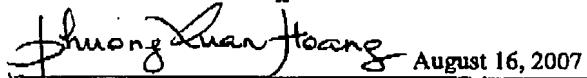
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